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September 17, 2010

VIA ELECTRONIC FILING

Hon. Nicholas G. Garaufis
United States District Judge
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States, et al. v. City of New York
Civ. Action No. 07-cv-2067 (NGG) (RLM)

Dear Judge Garaufis:

I am writing on behalf of the Plaintiffs-Intervenors, who ask the Court's approval of a schedule for two motions which the Plaintiffs-Intervenors wish to bring. The first motion is for class-wide compensatory damages, which the Plaintiffs-Intervenors urge are appropriate in the circumstances of this case under Title VII [42 U.S.C. §2000e-2, et seq.], Section 1981 [42 U.S.C. §1981], and Section 1983 [42 U.S.C. §1983], based upon the Court's finding of intentional discrimination under federal law. This relief is also warranted under State and City law, by virtue of both the intentional discrimination finding and the adverse impact finding. Plaintiffs-Intervenors seek an award of \$14.6 million in compensatory damages for the class of eligible applicants who took Exams 7029 and 2043, an amount that is consistent with awards in other discrimination cases. We have previously alerted the Court and the Parties of our intention to seek this relief in the parties' Joint Statement Regarding Relief Phase Issues, filed on February 19, 2010 (Docket No. 400-1) and the Plaintiffs-Intervenors' Response to the Court's Request for Their Position Regarding Class-Wide Compensatory Damages, also filed on February 19, 2010 (Docket No. 401).

The second motion relates to affirmative injunctive relief, which Plaintiffs-Intervenors believe is necessary to remediate the effects of the long-term pattern of discrimination found to exist in the New York Fire Department (Liability Orders dated July 22, 2009 and January 13, 2010, Docket Nos. 294 and 385). More specifically, the motion will seek additional resources and additional approaches to recruiting to deal with the persistent problem of under-

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*Admitted in NY, MA and DC

*Admitted in NY and NJ

*Admitted in NY and CT

*Admitted in NY and DC

†Admitted in NY and MA

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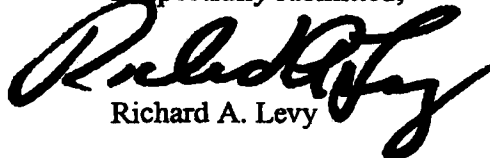
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representation of minorities in the applicant pool for the firefighter job. The motion will also seek "Notice and Monitoring" provisions relating to the fact that black and Latino firefighters who are reached on the eligibility list are, thereafter, disproportionately disqualified on a number of bases. The motion seeks to ensure that race is not a factor in that outcome. Finally, the motion seeks incentive awards to the individual Plaintiffs-Intervenors and the Vulcan Society to compensate them for the substantial time and energy they have put into pursuing this case and for championing the cause of the class they have represented. Again, we previously advised the Court and the Parties of our intention to seek this relief in the Plaintiffs-Intervenors October 7, 2009 letter to the Court regarding the Proposed Relief Order submitted by the United States (Docket No. 328) and in the parties' Joint Statement Regarding Relief Phase Issues, filed on February 19, 2010 (Docket No. 400-1).

The Parties have agreed that Plaintiffs-Intervenors' papers will be served no later than September 29, 2010, and responses by the other Parties will be served on October 29, 2010. Replies, if any, will be served on November 23, 2010. We request your approval of that schedule.

Thank you for your consideration.

Respectfully submitted,



Richard A. Levy

RAL:jos
cc: All counsel (by ECF)

APPLICATION GRANTED.
/s/Ordered.

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge
Dated: 9-17-10